IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPEAL NO.483 OF 2004

The State of Maharashtra ..Apellant
V/s.
Vinod Nagnath Patil and
3 others. ..Respondents.
(orig.accused Nos.
1 to 4)

Ms. V.R.Bhosale, P.P. for the Appellant/State.

CORAM : S.B. MHASE &
ANOOP V.MOHTA, JJ.

DATE : 22ND NOVEMBER, 2004.

P.C.

. Heard. There is no eye witness in this case. The deceased has succumbed to death as a result of the burn injuries, which caused to the extent of 95%. However. she was admitted in the hospital and she disclosed to the doctor that accidental fire which has taken place, while she was cooking and there was explosion of flames of the stove she received injuries. Her dying declaration was also recorded by the Executive Magistrate. Deceased maintained the same statement. As against this, there is an evidence of the parents in respect of ill-treatment and harassment and oral dying declaration. However, the oral dying declaration cannot be taken into consideration when there is written dying

declaration.In view of this, trial Judge have acquitted the accused. No interference is called for. Leave to appeal is rejected.

. Parties concerned to act on a simple copy of this order, duly authenticated by the Registry of this Court.

[ANOOP V. MOHTA, J.] **[S.B.MHASE, J.]**